

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,548

IN THE MATTER OF:

Served June 13, 2007

Application of LINDA & FAMILY LIMO)	Case No. AP-2006-160
SERVICE INC. for a Certificate of)	
Authority -- Irregular Route)	
Operations)	

This matter is before the Commission on applicant's request for reconsideration of the voiding of authority conditionally granted to applicant in Commission Order No. 10,021, served October 26, 2006.

Order No. 10,021 stipulated that applicant would have the full 180 days available under Commission Regulation No. 66 to satisfy the conditions of the grant. Applicant did not fully satisfy those conditions within the allotted time. The conditional grant consequently became void on April 24, 2007. Under Article XIII, Section 4(a), applicant had until May 25, 2007, to file an application for reconsideration.¹

Respondent timely filed an application for reconsideration on April 30, 2007, but the application does not allege any error on the part of the Commission as required by statute.² The application therefore is denied. We may reopen this proceeding on our own initiative,³ however, and issue Certificate of Authority No. 1302, provided applicant satisfied the conditions of issuance prescribed in Order No. 10,021 as of May 25, 2007.⁴

The record shows that as of May 25, 2007, applicant had satisfied all of the conditions of Order No. 10,021, except the requirement that applicant's revenue vehicle(s) pass inspection by Commission staff. Staff's May 22 inspection report reveals that applicant's sole revenue vehicle, a stretch limousine, failed inspection by not displaying applicant's name and carrier number as required by Regulation No. 61.⁵ Applicant asks us to waive Regulation No. 61.

¹ See *In re Boone-McNair Transp., LLC*, No. AP-02-66, Order No. 7063 (Mar. 4, 2003) (30-day reconsideration filing period begins running on the day the conditional grant becomes void).

² Compact, tit. II, art. XIII, § 4(a).

³ Commission Rule No. 26-04.

⁴ See *In re City Sightseeing Buses LLC*, No. AP-06-013, Order No. 10,305 (Mar. 6, 2007) (reopening application proceeding reasonable where conditions of grant satisfied within thirty-day window for seeking reconsideration).

⁵ Regulation No. 61 requires the display of carrier name and number on both

The Commission routinely waives Regulation No. 61 with respect to limousines and luxury sedans seating nine persons or less, including the driver.⁶ Limousines and luxury sedans seating more than nine persons, including the driver, but less than 16 persons, including the driver, must at a minimum display the carrier's WMATC number.⁷

Staff's inspection report indicates that the vehicle in question has a seating capacity of 9 persons, including the driver. According to applicant, however, the vehicle seats "10 passengers." An application for reconsideration is not the appropriate forum for resolving such a fundamental factual discrepancy in the record, particularly in the context of a request for waiver of a safety-oriented rule.

Accordingly, we decline to reopen this proceeding.⁸ Applicant may reapply for a certificate of authority and resolve the seating capacity discrepancy at that time.

THEREFORE, IT IS ORDERED:

1. That the application for reconsideration is denied.
2. That this proceeding is terminated.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

sides of each vehicle operated under a WMATC certificate of authority.

⁶ *In re Olga Jeannette Ayala-Wynkoop, t/a Koops Limo. Serv.*, No. AP-2005-149, Order No. 9781 (July 28, 2006).

⁷ *Id.*

⁸ See *id.* (declining to reopen proceeding where applicant's 15-person stretch limousine did not display WMATC number).